

**REMARKS**

This is in response to the currently outstanding Official Action in the above-identified application, which Official Action the Examiner has designated as being FINAL.

Claims 1- 8 were pending in this application at the time of the issuance of the currently outstanding Final Official Action. Applicants respectfully request the entry of the foregoing Amendment of Claim 1 and the cancellation of Claim 2, without prejudice, for the purpose of placing the claims of this application in condition for allowance, or at least in better form for Appeal, pursuant to 37 CFR 1.116. Claims 2 and 10-15 are canceled by the foregoing Amendment, without prejudice. Applicant does not propose either withdrawal or the addition of any claims by this Amendment. Accordingly, in the event that the Examiner grants entry to the foregoing Amendment, Claims 1 and 3-8 as amended above will constitute the claims under active prosecution in this application.

The claims of this application are reproduced above including appropriate status identifiers and showing the changes made as required by the Rules.

More particularly, in the currently outstanding Official Action the Examiner has:

1. Acknowledged Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f), and confirmed the receipt of the required copies of the priority documents by the United States Patent and Trademark Office;
2. Failed to indicate whether or not the drawings filed as part of this application on 20 April 2001 are accepted – **Since there has been no indication from the Examiner on this issue in this prosecution, Applicant respectfully requests an indication concerning the acceptability of the drawings in response to this communication;**
3. Finally rejected claims 1-8 under 35 USC 102(b) as being anticipated by the Morikawa reference (US Patent No. 5,812,901)

Applicant thanks the Examiner for the courtesy accorded to its undersigned representative during a telephone interview conducted recently in regard to this application. During the course of that interview the Morikawa reference was generally discussed, as was the timing of when the judgment means makes its decisions in that reference. However, no agreement was reached concerning acceptable claim language during that interview.

No further comment regarding items 1 and/or 2 above is deemed to be required in these Remarks.

With respect to item 3, Applicant by the foregoing Amendment proposes that the limitations of Claim 2 be added to Claim 1 and that Claim 2 be canceled without prejudice.

As so amended, the present invention is directed to an image forming device which does not permit an interrupting job which will use a paper feeding tray corresponding to a tray being used by a current job so as not to cause the current job to be stopped by the occurrence of an "out of paper" state in the tray being used by the current job. It will be understood that such occurrences can happen when a certain amount of paper is present in the paper feeding tray being used by the current job, and part of the current job is printed, an interrupting job is printed and the printing of the remained of current job is restarted without regard for whether the initial certain amount of paper is sufficient for the printing of both the current and the interrupting jobs. In other words, a purpose of the present invention as hereinabove amended is to secure the number of paper sheets needed by the current job. This is accomplished by permitting no interrupting job that will utilize the same paper feeding tray as is currently being used by the current job to be printed using the same paper tray as used by the current job until the current job is completed.

Applicant respectfully submits that the foregoing is quite different from the Morikawa reference relied upon by the Examiner. In particular, Morikawa switches his printing operation from a current job to an interrupting job when the print data of the interrupting data is ascertained even if the interrupting job will utilize the paper feeding tray that is then being used by the current job. In other words, since the **purpose of the Morikawa reference is to efficiently switch printing operations from the current job to the interrupting job**, Morikawa continues the current job using the same paper feeding tray as that designated by the interrupting job only until the print data of the interrupting job is fully ascertained (i.e., until the end of the so-called "interrupt print waiting state"). At that point, a determination is made as to whether or not the designated feeding tray contains paper (in which case the corrective so-called "paper empty" process is carried out) and the device permits the interruption of the current job by the interrupt job.

In the above regard, it is to be understood that in Morikawa the transition to the interrupting job is permitted independently of whether or not the interrupting job will use the same sheet feed tray as that being used by the current job. However, such is not the case in the present invention wherein:

the judging portion does not permit the interrupting job to print data on paper when a paper feeding tray selected by the interrupting job corresponds to a tray selected by the current job but permits the interrupting job to print data on paper when the paper feeding tray selected by the interrupting job is different from the paper feeding tray selected by the current job.

Significantly, contrary to the foregoing, the Morikawa reference **allows printing by the interrupting job from the same sheet feed tray as used by the current job** not according to any judgment based upon which sheet feeding trays are designated by the current and interrupting jobs respectively, but rather only according to the point in time at which the entirety of the interrupting job has been ascertained. Thus, while the Abstract and the Summary of the Invention of the Morikawa reference indicate the his device decides whether the interrupting job can be permitted to be executed, which uses the same sheet feeding tray as that being used by the current job, the ABSTRACT specifically states:

“...If it is determined that the sheet feed outlet (sheet feeding tray) is the different, a stop request is set to inhibit sheet feeding of the normal job immediately. If it is determined that the sheet feed outlet (sheet feeding tray) is the same, a process of transition to interruptive print out is effected while continuing sheet feeding of the normal job. **When the print data is determined, the printing for an interruption process is effected**” (Emphasis added).

In addition, the Summary of the Invention of the Morikawa patent states:

“The identification unit identifies whether the feeding outlet used in the detected interrupt job is identical to the feeding outlet selected in the currently carried out operation. **When the feeding outlet is identical the currently carried out job is continued, and then switched to a printing operation of the interruption process when the print data of the interruption process is ascertained.**” (Emphasis added)

Accordingly, while the Abstract does not completely define “the print data is determined” as being the print data of the current job or the print data of the interruption job, the foregoing quotation from the SUMMARY OF THE INVENTION of the Morikawa patent makes it clear that the print data that must be determined prior to the switch from the current job to the interrupting job is the print data of the interrupting job, not the printing data of the current job as the Examiner has suggested. In other words, the job that must be “read in” before the mode of the device can be switched from the current job to the interrupting job is the data content of the interrupting job. In other words, since the number of pages of originals cannot be identified until all of the originals have been read in a duplex copy operation or in an Nin1 copy operation, the so-called “interruption print waiting state” is provided such that when all the originals are read in and the data of the interrupting job has been fully ascertained, the “interruption print waiting state” may be canceled, the sheet feeding of the normal job may be canceled and the sheet feeding of the interrupt job may commence. In this regard, the Examiner’s attention is respectfully directed to the Morikawa reference at Column 15, lines 11-32, that read as follows:

“The interruption print waiting determination routine of #5505 in FIG. 15 will be described hereinafter with reference to FIG. 25. At step #5900, determination is made whether the process is of a duplex side copy. At step #5903, determination is made whether the mode is a Nin1 copy mode. If either one of the conditions is established, determination is made whether the original read in process has ended at step #5909. In the present embodiment, the number of originals cannot be identified until all the originals are read in in a duplex copy operation or in an Nin1 copy operation since original reading is carried out from the last page. *An interruption print waiting state is provided until completely reading in all originals since the print out side and position of the original first read out are not ascertained (#5911).*

At step #5905, determination is made whether the sheet outlet of the interruption job is empty or not. In the case of "paper empty", a similar process at step #5911 is carried out. If determination is made that the paper is not empty at step #5905, printing of an interruption job is allowed. Therefore, the interruption print wait state is canceled (#5907).”

Therefore, Applicant respectfully submits that the Morikawa reference, contrary to the presently amended claims, clearly and definitely permits the interrupting job to be printed from the same sheet feed tray as the sheet feed tray utilized by the current job (albeit, possibly after a delay during the so-called “interruption print waiting state” that cannot reasonably be characterized as a *prohibition* of printing the interrupting job from the same sheet feeding tray as that utilized by the current job). Consequently, Applicant respectfully submits that Claim 1 as hereinabove amended cannot be anticipated by the Morikawa reference.

For each and all of the foregoing reasons, entry of the foregoing Amendment, reconsideration and allowance of all of the claims then present in this application (namely Claims 1, 2-9 and 16-27 as hereinabove amended) in response to this communication are respectfully requested as placing this application in condition for allowance, or at least in better form for Appeal, as required by 37 CFR 1.116.

Applicant also believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: January 24, 2006

  
SIGNATURE OF PRACTITIONER

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